

**REMARKS**

These Remarks are submitted in response to the Office Action dated July 31, 2000. In the Office Action, claims 1-9, 14, 16, 19, 20 and 23-33 are rejected. Claims 10-13, 15, 17, 18, 21, 22 and 34-37 are withdrawn from consideration.

The specification has been amended to reflect the fact that the parent application US 08/511,076 from which the instant application depends is itself a continuation in part of US 08/396,569 filed March 1, 1995. Applicant is in the process of obtaining a corrected declaration to reflect the priority claim to US 08/396,569 filed March 1, 1995 filed March 1, 1995 and will submit the same as soon as possible. Applicant wishes to call to the attention of the Examiner that the priority application US Application 08/511,076 is currently on appeal.

New claims 38-52 have been added. Support for all of the new claims is found in Fig. 2 of the application as filed. Support for new claims 46-48, 50 and 51 is also found in priority application US 08/511,076 as well. As such, these claims are entitled to the August 3, 1995 priority date of US 08/511,076. Additional support for various claims may be found elsewhere in the application as filed. No new matter has been added by the amendments. The new claims all read on Fig. 2 and include generic claims.

Applicant requests an initialed copy of the Supplemental IDS submitted May 16, 2000.

In the remarks that follow, the paragraph numbers correspond to those in the Office Action.

(3)

Claims 1-5, 8, 9, 14, 16, 23-27 and 29-33 are rejected under 35 USC 102(e) as being anticipated by Van Oepen (US 6,017,365).

Claims 1, 14, 16, 23, 29-33, 46-48 and 50-51 are fully supported by US Application 08/511,076 from which the instant application claims priority (see e.g. Fig 12 which is disclosed in the priority applications). US Application 08/511,076 has a priority date of August 3, 1995 predating Von Oepen (which has a filing date May 20, 1998). As such, Von

Oepen is not prior art to claims 1, 23, 29-33, 46-48 and 50-51. Withdrawal of the rejection is respectfully requested.

Applicant further notes as to claims 2-5, 8, 9, and 24-27 that Von Oepen is not prior art to the instant application. Applicant will be submitting shortly a signed rule 131 Declaration in which inventor Timothy J. Ley swears behind Von Oepen. An unsigned copy of the rule 131 declaration is submitted herewith.

Von Oepen is also not prior art to new claims 38-45, 49 and 52 as indicated in the declaration of Timothy J. Ley.

Withdrawal of the rejections is respectfully requested.

(5)

Claims 6, 7 and 28 are rejected under 35 USC 103(a) as unpatentable over Von Oepen. As discussed in paragraph 3 above and in the accompanying declaration, Von Oepen is not prior art with respect to claims 6, 7 and 28. Withdrawal of the rejection is respectfully requested.

(6)

Claims 19 and 20 are rejected under 35 USC 103(a) as being unpatentable over Von Oepen in view of Orth (US 5,800,521). Claims 19 and 20 are entitled to the August 3, 1995 priority date of the parent application. As such, Von Oepen is not prior art to the instant claims.

Orth does not disclose a stent having a plurality of undulating bands and interconnecting elements where each interconnecting element has a first end and a second end, the first and second ends extending from adjacent band-like elements and the first and second ends displaced circumferentially along the stent. As such, the instant claims are patentable over Orth. Withdrawal of the rejection is respectfully requested.

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### CONCLUSION

In light of the foregoing, entry of the amendments and withdrawal of the objections and rejections is requested. It is believed that the present application is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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Date: November 10, 2000

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